REMARKS

Claims 1-10 are pending in the application, with Claim 1 being the independent claim. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Law et al. (U.S. 5,783,674) in view of Pusateri (U.S. Patent 4,766,361). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Law in view of Pusateri in further view of Kfoury et al. (U.S. Patent 6,049,192). Claims 7 and 8 are rejected under U.S.C. § 103(a) as being unpatentable over Law in view of Jennings (U.S. Patent 5,954,531). Claims 9 and 10 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claim 11 has been added, as set forth herein, to recognize the capability to remove or insert either battery pack from or into the charger without requiring removal of the other battery pack.

The present application recites a charger for a battery pack attached to a phone and an additional, unattached battery pack. A first slot accepts, and securely holds a battery attached to a cell phone, and the second slot holds just a battery. The two slots are adjacent to each other with no obstruction between them. The inner walls of each slot, together, form a step so that the bottom of the first slot is lower than the bottom of the second slot. Claim 1 of the present application recites, in part, "... no obstruction between the first slot and the second slot".

Law teaches a power supply system for portable electronic devices that uses a battery sleeve, or case, into which a number of batteries are placed. The sleeve is then connected to an electronic device to provide power. A number of sleeves are used, one for each electronic device. The sleeve is adapted to fit into the device's power compartment or onto the device's power contacts. The system allows the use of one battery type with different devices by using the appropriate sleeve. The Examiner acknowledges that Law fails to disclose that there is no obstruction between the first and second slot, but asserts that Pusateri remedies this shortcoming.

Pusateri teaches a battery charger with four charging units 22, each similarly structured that will each accept one battery at a time. The battery accepted in any of the charging units may be one of AAA, AA, C and D batteries. Each individual charging unit 22 is structured so that each battery type fits into an appropriately sized cavity and electrical terminal spacing within the charging unit. The Examiner asserts that Pusateri teaches that tiered or stepped designs can be used to keep batteries separated without use of an actual obstruction between compartments.

With regard to Pusateri, if the Examiner is referring to the structural relationship between individual charging unit 22 arrangements, then obstructions do exist between the charging units 22. Axially, the charging units are separated by a slidable shroud 26. Radially, the charging units 22 are separated by an ejector 30, which assists in removing the cells from the charging unit. These obstructions (slidable shroud 26 and ejector 30) are necessitated by the complex design within the individual charging unit 22 and are not mere surplusage.

If the Examiner is referring to the structural relationship within the individual charging units 22, then it is believed that Pusateri in combination with Law is not instructive with respect to providing no obstructions in the space between slots. The tiered design of Pusateri is able to accept only one battery at a time, not the two batteries of the present invention. Further the Pusateri design is able to accommodate the several battery types because they are of the same basic cylindrical shape although the radial and axial dimensions vary. Additionally, Pusateri has the cavities or slots for the individual battery types overlapping in space. (See overlap in Fig. 4). While cavities overlapping in space have no obstruction between them, a mobile phone (such as in Law) with battery and reserve battery cannot possibly occupy the same space within a charging unit at the same time. Further, the similarity of cylindrical battery shape minimizes complexity. For a 9 Volt battery that has a much different shape, Pusateri accommodates it by providing a completely separate charging unit 66 (See Fig. 5). Accepting similar cylindrical shapes is not the same as receiving a mobile phone battery with a battery pack in one slot and a separate reserve battery pack in the second slot, as provided for in Claim 1.

Further, the Pusateri design is extremely complex, requiring a sliding member 26 to be moved in order to accommodate the different axial dimensions of the "D", "C", "AA" and "AAA" batteries. As this sliding member needs to be moved back against spring force to accept each individual battery within the electric contact points, the design does not accommodate for charging more than one battery at a time in the individual tiered slot. Because the tiered arrangement of Pusateri cannot accept more than one battery for charging in the tiered slot at a time, it is not instructive with respect to a tiered design that can charge a first battery pack and a second battery pack at the same time. Also for the same reason that sliding member 26 needs to move to hold an individual battery snugly within the electrical contacts and does not hold two snugly for electrical continuity at the same time, more than one battery cannot be held physically snug within the Pusateri tiered slot at the same time. For this reason, Pusateri is not instructive with respect to showing that tiered designs can be used to keep batteries separated without the use of actual obstructions between compartments, as relied upon by the Examiner.

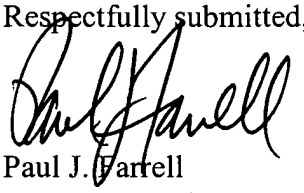
As presented above, none of the cited references, alone or in combination, teach or suggest a battery charger with a first slot and a second slot with no obstruction between them and which accept and hold for charging a first battery pack and a second battery pack as recited in Claim 1. Accordingly, it is believed that independent Claim 1 is patentably distinct from Law in view of Pusateri, and is therefore in condition for allowance.

With respect to new Claim 11, the tiered design of Pusateri is a stacked design, such that for multiple battery packs to be charged simultaneously, one battery would need to be placed on top of another battery. For instance, referring to Fig. 4 of Pusateri, a "D" battery would be placed on top of a "AAA" battery. Consequently, the "D" battery would have to be removed prior to removing the "AAA" battery. This is inconsistent with the specific intent of the present application, which is to provide flexibility and convenience, by allowing the two battery packs to be charged simultaneously and to be inserted and removed without removal of the other battery pack. Pusateri does not teach the element of Claim 11 reciting that the first battery pack and the second battery pack may be removed from and inserted into the charger without removal of the other battery pack.

Without conceding the patentability per se of dependent Claims 2-11, Claims 2-11 are also believed to be in condition for allowance for at least the above reasons.

Should the Examiner feel that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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